

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES,

Plaintiff,

v.

NO. 16-cr-10010-PBS

JOHN TRAN,

Defendant

ORDER ON EXCLUDABLE DELAY

KELLEY, M.J.

Defendant had a final status conference scheduled today, June 7, 2016. Defense counsel has recently filed a discovery letter and the government asked for additional time to respond to it. In addition the defendant will file a motion concerning some requests that the government will not agree to. Defendant will file his motion for discovery by July 8 and the government will respond by July 29. A hearing on the motion is scheduled for August 5, 2016 at 11:00 a.m.

With the agreement of the parties, the Court finds that the interests of justice in this case, *i.e.*, to allow the defendant time to receive and review discovery, outweigh the best interests of the public and defendant for a trial within seventy days of the date of the defendant's initial appearance.

Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A), the Clerk of this Court enter excludable time for the period from June 7, 2016, up

to and including August 5, 2016.<sup>1</sup>

/s/ M. Page Kelley  
M. PAGE KELLEY  
United States Magistrate Judge

---

<sup>1</sup> The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1<sup>st</sup> Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1<sup>st</sup> Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1<sup>st</sup> Cir. 1993).